IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22013 of 2004

Between:

M/s. R.R. Real Estates & Resorts Limited, Rep. by its Managing Partner, P. Ramchandra Reddy, S/o. P. Narayana Reddy, Aged 52 Years, Occ: Business, R/o. III-161-2, Upstairs, I Main Road, SBI Colony, Madanapally, Chittoor District.

..... PETITIONER

AND

1 The Managing Director, A.P. State Financial Corporation, Hyderabad.
2 The Senior Branch Manager, A.P. State Financial Corporation, Tirupathi.
3 Kanchi Surya Reddy, S/o. K. Muniswami Reddy, R/o. D.No.19-9-2, Tiruchanur Road, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any order or direction, Writ or Writs more particularly one in the nature of Writ of Certiorari calling for records in proceedings Ref.No.AFC/MR&R/2004-2005/5628, dt. 8-10-2004 quash the same as illegal, arbitrary, mala fide and against to the principles of natural justice and consequently direct the respondent 1 &2: 1. Handover the M/s. R.R. Real Estate & Resorts Limited, situated in sy.No.268, situated at Perumalapalle Village near Alipiri at Thirupati town by accepting and settling the one time settlement scheme of the loan: 2. and release the mortgage property Ac.7.00 of the land situated at Palamaneru and a house situated at Madanapally; 3. and declare the panchanama dt. 31-8-2004 as illegal, arbitrary and mala fide. in the interest of justice and equity.

Counsel for the Petitioner : Mr. Ch.JANARDHAN REDDY

Counsel for the Respondents: MR.Y.N.LOHITA

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 22013 of 2004

O R D E R:

Challenging the proceedings Ref.No.AFC/MR&R/2004-2005 dated 10.2.2004 of the respondent-Corporation, the present writ petition is filed.

Learned counsel for the petitioner contended that the property of the petitioner worth about Rs.1,30,00,000/- was sold by the respondent-Corporation for an amount of Rs.26,00,000/- and that the alleged handing over of possession and the alleged sale deed executed by the respondent-Corporation are not known to the petitioner and without recourse to law a complete building is going to be demolished by the illegal and high-handed acts of 3rd respondent. Therefore, he prays to quash the impugned proceedings.

On the other hand, learned counsel for the respondent-Corporation contended that the proceedings under challenge is only reply notice and it does not confer or create any rights to the petitioner so as to challenge the same under Article 226 of the Constitution and in pursuance of the sale, the possession was already given to the highest bidder and the sale deed was executed in favour of the purchaser and therefore the writ petition itself is not maintainable in law.

The petitioner seems to have obtained a loan from the respondent-Corporation for setting up of Resorts & Restaurant at Pudipatla village of Tirupati Rural Mandal. Till the year 2001, the

petitioner claims to have paid some instalments but thereafter for the reasons stated by him he did not pay the instalments. Thereafter, the respondent-Corporation got advertised through papers for sale of the assets which were mortgaged by the writ petitioner to the respondent-Corporation. They got advertised for six times and ultimately an offer was received from the purchaser for Rs.26.00 lakhs and the same was accepted by the respondent-Corporation. According to the Corporation, except the said purchaser nobody has come forward to purchase the property. As seen from the proceedings under challenge, it is only a reply got issued by the counsel for the respondent-Corporation dated 30.9.2004. As rightly contended by the learned counsel for the respondent-Corporation, it does not give or confer any right to challenge the same and the remedy is otherwise. According to the respondent-Corporation, the sale has been already effected and in pursuance of the panchanama proceedings dated 31.8.2004, possession of the property was delivered to the purchaser and therefore the question of calling for the records of the proceedings dated 8.10.2004 does not arise in the absence of violation or infringement of fundamental rights much less legal right of the petitioner. In the affidavit there is no mention about the violation of any legal right of the petitioner by the respondent-Corporation.

In the absence of these aspects, I am of the considered opinion that the writ petition is devoid of merit and it is dismissed accordingly at the stage of admission.

K.C. Bhanu, J.

Date: 02—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director, A.P. State Financial Corporation, Hyderabad.
2 The Senior Branch Manager, A.P. State Financial Corporation, Tirupathi.
3 Kanchi Surya Reddy, S/o. K. Muniswami Reddy,
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